

REMARKS

Claims 1-7 are pending in the present application. Claims 1, 3, 4 and 5 have been amended. New claim 7 has been added. The support for the claim amendments may be found in the specification, at least, at page 5, lines 4-7; page 6, lines 3-6; and page 7, line 26 to page 8, line 2. No new matter has been added by way of the present claim amendments.

Applicants note that at page 1, lines 12-18, "pharmaceutical materials" refers to pharmaceutical and neutraceutical materials. With regard to page 6, line 25 to page 7, line 16, the amount of the dissolved carbon dioxide increases by raising the temperature and the pressure, preferably only by raising the pressure. Finally, with respect to page 9, lines 9 to 20, the effluent from the reactor is cooled, not necessarily by simply cooling the reactor.

Right of Priority

The Examiner has stated that the present application is not afforded the filing date of the international application or the priority application. However, Applicants respectfully direct the Examiner's attention to the USPTO Notification of Missing Requirements dated January 25, 2007, which gave Applicants two months from the date of the notice to respond. Applicants timely responded to the notice on March 23, 2007. Thus, Applicants submit that the Examiner's statement regarding the right of priority is incorrect. Applicants respectfully request that the Examiner indicate that present application has been given the benefit of the priority date in the next action.

Rejections under 35 USC § 112

Claims 1 and 3-5 under 35 U.S.C. § 112, second paragraph as being indefinite.

Applicants have amended the present claims so as to delete the language subject to the outstanding rejection. As such, the outstanding rejection is rendered moot. Withdrawal thereof is respectfully requested.

Rejections under 35 USC § 102

Claims 1-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 5,543,511 to Bergfeld et al. (hereinafter "Bergfeld").

The present claims have been amended to recite "under a pressure of 10 to 100 MPa". Bergfeld recites "0.1 to 60 bar" in claim 1 (10 bar = 1MPa) and therefore its disclosure does not equate to the presently claimed range. Additionally, the conditions in Bergfeld, under which cellulose cannot be decomposed to monosaccharide or oligosaccharide, are weaker than those in the present invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that Bergfeld does not teach or suggest each and every element of the presently claimed invention, as is required under 35 U.S.C. § 102(b). Accordingly, withdrawal of the outstanding rejection is respectfully requested.

In view of the foregoing, Applicants believe the pending application is in condition for allowance. A Notice of Allowance is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole, Reg. No. 60,154 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant